

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of:)	
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Authorization of Next Generation TV)	GN Docket No. 16-142
For Permissive Use as a Television Standard)	
)	
)	

REPLY COMMENTS OF ONE MEDIA, LLC

I. INTRODUCTION

What has become obvious to all participants in the broadcast ecosystem is that the current transmission platform has not kept pace with expectations of broadcasters and equipment manufactures but, more importantly, has not met the evolving needs of viewers and users. As a result, the broadcast industry has seized the opportunity to remain relevant both as a distributor of an enormous array of exceptional quality programming meeting the demands of the public ***AND*** as a new competitive and innovative datacasting platform that fits squarely in the middle of Chairman Wheeler’s “competition, competition, competition” paradigm. ONE Media, LLC (“**ONE Media**”)¹ wholeheartedly agrees with the broadcast and equipment manufacturing industries as they ask the Commission to open the gates and let us meet those evolving needs – approve the Next Generation transmission standard that permits innovation, service improvement and spectrum efficiency.

Of course, the Commission anticipated this very scenario more than two decades ago. Even as it mandated the existing digital transmission standard, the FCC recognized the risk that a mandatory standard might inadvertently deter innovation. The Commission pledged periodic

¹ ONE Media is a technology development company at the forefront of designing industry transmission standards encompassing its flexible and enhanced vision for broadcasting.

reviews and noted that the Advanced Television Systems Committee (“ATSC”) had “committed to continue to review the ATSC DTV Standard and to implement compatible extensions of, and deviations from, the ATSC DTV Standard that evolve in the future.”²

As it adopted updates to the ATSC DTV standard in 2002, the Commission acknowledged the public interest benefits of *expeditiously approving* technical improvements incorporated into standards that have been subjected to the engineering crucible of the ATSC:

Updating the rules to reflect improvements in the standard will benefit both the public and broadcasters by allowing broadcasters to make technical improvements in their service that will enhance the quality of DTV services they provide. As ATSC and others point out, the revisions in the new version of the ATSC DTV Standard were developed through careful consideration and deliberation within the technical committees of the ATSC and thus reflect a consensus agreement based on the inputs and viewpoints of all interested parties in all segments of the industry.³

The Commission urged the ATSC to pursue improvements, accorded significant weight to ATSC’s sanctioning of the new technology, and committed to work quickly to incorporate new ATSC standards in the FCC rules:

We also acknowledge the likelihood that there will be further improvements made to the DTV standards over time and indeed, encourage ATSC and other interested parties to continue their work and efforts in these areas. In this regard, *we reaffirm our intention to give significant weight to proposed changes that reflect the kind of broad industry consensus* developed through ATSC’s standards-making procedures. *While it will be necessary to conduct rulemaking activity to incorporate such changes in the rules, we nonetheless will endeavor to pursue such rulemaking as quickly as possible.*⁴

The ATSC has done precisely what the Commission urged. Assembled and refined over just the last three years and revolutionary in its capabilities, the new broadcast technology can

² See *Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service*, Fourth Report and Order, MM Docket No. 87-268, 11 FCC Rcd 17771 ¶ 49 (1996) (emphasis added).

³ See *Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, Second Report and Order and Second Memorandum Opinion and Order, MM Docket No. 00-39, 17 FCC Rcd 15978 ¶ 50 (2002) (emphasis added).

⁴ *Id.* ¶ 51 (emphasis added).

transform the television experience for consumers and greatly improve spectrum productivity in the broadcast television bands and all bands used for the provision of mobile and portable data service.

In crafting a new standard (“**Next Generation**” or “**ATSC 3.0**”), the ATSC had, as its fundamental mission, devising a set of technologies and procedures that would be capable of evolving and – significantly – not be limited to any one “silo” of content distribution. The new standard’s Internet Protocol (“**IP**”) foundation fundamentally enables broadcasters to claim a significant position now in the competitive wireless distribution world. As distribution of digital media, and digital video in particular, becomes a greater and greater share of all wireless communications traffic, an IP-based broadcast transmission stage will place broadcasters on a relatively equal footing with other distribution platforms. Providers of digital content, from video programmers such as Netflix to e-book distributors or digital signage providers with high volume download requirements will have another competitive option from broadcasters to serve their needs. From a widely-held national policy perspective, encouraging this competitive entry moves the industries toward the “Hobbesian War” encouraged by the Commission to the benefit of consumers. As noted by Chairman Wheeler, “My goal is to foster an environment in which the widest possible variety of new technologies can grow and flourish.”⁵

Rapid action on this petition should be designed to complement the Broadcast Spectrum Incentive Auction and permit those broadcasters remaining after the auction completion to modify their facilities as necessary concurrent with any channel reallocation process. Doing so will meet the twin public interest goals of avoiding duplicative investments and bringing new services to the viewing public as quickly as possible. We encourage the Commission to follow its commitment

⁵ Tom Wheeler, *Leading towards Next Generation "5G" Mobile Services* (Aug. 3, 2015), available at <https://www.fcc.gov/blog/leading-towards-next-generation-5g-mobile-services>.

to act expeditiously and release a technology-focused NPRM on Next Generation TV no later than October 1 of this year.

II. COMMENTS

ONE Media is heartened by the broad support for approval of the Next Generation standard reflected in the record to date. Multiple commercial broadcasters large and small, along with an array of equipment manufacturers, public station owners, and emergency communications advocates all have urged the Commission to move forward expeditiously, as it committed to doing 15 years ago. Of the comments submitted, two areas of concern were identified by several commenters that deserve response: deployment issues and unrelated agendas.

A. DEPLOYMENT.

MVPD CARRIAGE. NCTA and ACA representing cable television distributors along with AT&T and DISH representing satellite distributors raised concerns relating to the cost of carriage and the impact on retransmission consent agreements.⁶ The voluntary deployment system proffered in the Petition makes it quite clear, however, that these concerns are misplaced. Broadcasters who choose to deploy ATSC 3.0-enabled transmission facilities will continue to transmit their programming using the *existing* ATSC 1.0 standard at the same time. *No MVPD will be obligated to carry the Next Generation signal.* They will continue to carry the broadcasters' ATSC 1.0 signals and all quality of service requirements will remain. Should a MVPD desire to offer its customers the array of enhancements transmitted by a broadcaster inherent in the ATSC 3.0 standard it can work with the local broadcaster on those carriage requests. Absent that, nothing will change.

⁶ Comments of the National Cable and Telecommunications Association, GN Docket No. 16-142 at 3 (filed May 26, 2016); Comments of the American Cable Association, GN Docket No. 16-142 at 6-9 (filed May 26, 2016); Comments of AT&T, GN Docket No. 16-142 at 3-4 (filed May 26, 2016); Comments of DISH Network, LLC, GN Docket No. 16-142 at 7-8 (filed May 26, 2016) (“**DISH Comments**”).

PROGRAM HOSTING. The deployment plan proffered in the Petition is premised on one station hosting the program content of another in recognition that no new spectrum would be generally available for simultaneous carriage of both ATSC 1.0 and 3.0 signals. Instead, broadcasters – among themselves – will negotiate carriage of existing 1.0 signals on a market-by-market basis using digital capacity of existing stations that will not yet be deploying ATSC 3.0 facilities. This is not a novel concept. The Commission permits broadcasters *today* to carry multiple programming streams using their digital capacity. It is not unusual at all for a broadcaster to carry multiple program networks on digital subchannels. The only additional request in the Petition is that the Commission permit simultaneous carriage of a station’s ATSC 1.0 and 3.0 signal. Dramatic advances in compression coding and multiplexing of multiple high definition signals on a single channel have been made since the initial adoption of the ATSC 1.0 standard, and those improvements are expected to continue during the simultaneous signal deployment period so that current expectations of over-the-air viewers will be maintained.

The deployment plan proposed in the Petition relies on flexibility and is based on the fundamental premise that a one-sized implementation plan would be the most *inefficient* model on which to base a voluntary deployment of the new standard. A centrally controlled and uniform schedule was necessary 20 years ago for the initial adoption of the DTV standard moving from an analog distribution platform. The transition was mandatory and ultimately was accomplished on a flash-cut basis. Neither of those factors is present in the voluntary adoption of the Next Generation standard. The Commission need not and should not dictate how the deployment should be implemented. It is in the broadcasters’ profound self-interest to continuing serving viewer needs; it is the critically essential economic motivator at the base of the broadcast business. Maintaining viewership in a dynamically disruptive distribution environment places a premium on

serving existing consumers while also attracting new ones. Deploying the innovative Next Generation platform permits broadcasters to evolve just as every other spectrum user is already permitted to do and does so in the most seamless and consumer-friendly manner possible.

PRESERVING AND IMPROVING BROADCAST SERVICE COVERAGE. The Advanced Television Broadcasting Alliance notes that ATSC 3.0 provides technical capabilities that can help advance the core national policy of providing local broadcast service to all citizens in all areas.⁷ ONE Media agrees that ATSC 3.0 can help translators, low power television stations, and even full power broadcasters restore coverage and service that would otherwise be lost in post Incentive Auction repacking.

APPROPRIATE STANDARD APPROVAL. DISH also advocates that the Commission should wait and assess the entire ATSC 3.0 standard before approving it as opposed to simply reviewing the Discovery and Signaling portion of the Physical Layer of the standard.⁸ This action would be wholly inconsistent with the Commission's actions with respect to other spectrum licensees. Bandwidth used, power employed, and interference caused are the critical benchmarks used by the Commission for the past 80 years when licensing services. The Discovery and Signaling portion of the ATSC 3.0 Physical Layer is the only necessary piece of the Standard requiring Commission review. That the Next Generation platform based on Internet Protocol may support multiple devices and services as permitted by the upper layers of the ATSC 3.0 Standard is to be encouraged, not suppressed as DISH advocates, but is not an appropriate or necessary subject for FCC review.

⁷ See Comments of the Advanced Television Broadcasting Alliance, GN Docket No. 16-142 at 3-5 (filed May 26, 2016).

⁸ DISH Comments at 8-9.

B. UNRELATED AGENDAS.

The required Commission action proposed in the Petition is narrow: approval of a technical innovation that enhances the transmission of broadcast signals, just as the Commission contemplated 20 years ago, and as virtually all other distribution platforms can implement without government review or consent. Several commenters, however, seek to expand the scope of this proceeding to advocate for wholly unrelated agendas. The Commission should reject these transparent attempts to expand this proceeding.

DISH, for example, proposes that broadcasters be required to serve their entire DMAs as a condition of Next Generation approval, apparently ignoring the laws of physics and the nature of Nielsen-defined DMAs.⁹ Broadcasters are licensed to serve communities with transmission facilities limited in power, frequency, location and height. To accommodate the DISH image of the world would require dramatic reallocation of *much* more spectrum to broadcasters, thwarting the essence of the ongoing Broadcast Spectrum Incentive Auction, among several other tenants of domestic and international spectrum management. DISH's transparent goal is to alter the program copyright ecosystem in a blunt and clumsy way and one certainly not within the scope of a voluntary technical evolution of a transmission standard.

Similarly, the DISH request to condition use of the Next Generation standard on specific technology strikes at the heart of this Commission's efforts to enhance innovation and consumer choice.¹⁰ The reverse argument makes the point: would DISH tolerate the government mandating its carriage of 4K programming as it develops new video and audio compression techniques? The obvious answer is that distributors require flexibility to meet consumer demands and should not

⁹ *Id.* at 2.

¹⁰ *Id.* at 6.

be subject to government mandates on specific technologies. The beauty of the ATSC 3.0 technology is its flexibility and adaptability to evolve without the government ever again required to pass on its viability.

Unrelated agendas are also a central thesis of comments submitted by Public Knowledge, Common Cause, and New America.¹¹ These commenters would have the Commission convert this simple petition endorsing technological improvements into a referendum on the nature of broadcasters' public interest obligations. Suffice it to say that nothing in the Petition remotely affects any service rule, content obligation/restriction, or accessibility requirement. All of those rules remain in effect for both the ATSC 1.0 and 3.0 transmissions. It would be manifestly unreasonable to use this proceeding to consider imposing new regulatory obligations just as the Commission would not seek to impose new requirements on wireless carriers simply because they seek to deploy a 5G platform while continuing to provide LTE services. This is neither the appropriate forum nor the appropriate time to reassess broadcasters' public interest obligations.

III. CONCLUSION AND REQUEST FOR EXPEDITED ACTION

The potential benefits of Next Generation television are here *now*. Equipment manufacturers are in the process of developing chip sets for inclusion in both transmit and receive devices. Broadcasters, the consumer electronics industry, and broadcast equipment manufacturers are primed to move forward to offer compelling public interest benefits. Building on Internet Protocol, Next Generation Television will permit ubiquitous content delivery (fixed and mobile reception) while also permitting separation of content, caching, aggregation and distribution. The Single Frequency Network capabilities inherent in the new standard will facilitate hyper-localized programming and – significantly – supplement the television translator system that likely will be

¹¹ See Comments of Public Knowledge, Common Cause, and Open Technology Institute at New America, GN Docket No. 16-142 (filed May 26, 2016).

depleted as a result of the Spectrum Auction repack. Next Generation Television offers groundbreaking features to enhance the viewing experience, while also offering public safety enhancements, new programming opportunities, and new competitive choices for those seeking data distribution alternatives.

The Petition reflects a relatively simple request: permit voluntary/optional and simultaneous use of two transmission standards. That is not a particularly heavy lift for the Commission. The public interest elements cited in the Petition support moving forward with this proceeding quickly. It is manifestly in the public interest for the Commission to allow broadcasters to deploy ATSC 3.0 facilities at the time of channel repacking subsequent to the Incentive Auction. As stated in the Petition, ATSC 3.0 could materially ease repacking by mitigating the impact of temporary service interruptions. The FCC should expedite this proceeding to better facilitate the earliest possible availability of ATSC 3.0 equipment and the launch of Next Generation broadcast television service to the public. We encourage the Commission to follow its commitment to act expeditiously and release a technology-focused NPRM on Next Generation TV no later than October 1 of this year.

Respectfully submitted,

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